



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,701	04/30/2001	Vivian G. Hsieh	033048-048	1902

7590 09/22/2004

James A. LaBarre
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,701

Applicant(s)

HSIEH ET AL.

Examiner

William H. Wood

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-37 are pending and have been examined.

Drawings

1. The drawings submitted 24 June 2002 were approved.

Specification

2. The disclosure is objected to because of the following informalities: Patent Application or Patent number missing from page 18. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 29-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 29 recites "GUI mechanism for determining ...". Applicant's disclosure fails to disclose how a GUI mechanism can *determine* anything. A GUI is a component for graphically displaying and retrieving information from a user. *Determining* indicates a decision making process, which Applicant's GUI does not seem to be enabled for. For the purposes of rejection, the limitation is interpreted as "GUI mechanism for indicating ...".

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2124

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12-13, 15-17, 19-20, 23 and 24-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims recite the limitation "said user". There is insufficient antecedent basis for this limitation in the claim. The independent claims 11 and 24 are interpreted as providing for "a user of the GUI".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-3, 5, 7-9, 11-20 and 24-28 are rejected under 35 U.S.C. 102(a) as being anticipated by **Dean et al.** (USPN 6,202,206).

Claim 1

Dean disclosed a graphical user interface (GUI) for management of software associated with a plurality of customers, said graphical user interface comprising:

- ♦ a first user interface element actuable to access a portion of said graphical user interface, which portion displays a list of software groups which are available for management for one of said plurality of customers (*figure 22, note customer profile section*).

Claim 2

Dean disclosed the graphical user interface of claim 1, wherein said first user interface element is a link which is actuable via a pointing device and a curser displayed on said graphical user interface (*figure 22, note "Back" and "Next" buttons*).

Claim 3

Dean disclosed the graphical user interface of claim 1, wherein said first portion of said graphical user interface includes a screen wherein a user can select said one of said plurality of customers to access said list of software groups (*figure 22, note expansion and contraction +/- format of customers*).

Art Unit: 2124

Claim 5

Dean disclosed the graphical user interface of claim 1, wherein each of said software groups is a bundle of software (*figure 22, note multiple applications per software*), each bundle of software including at least one software package (*figure 22, note "Lotus Domino Intranet Starter Pack" under customer "PILOT"*).

Claim 7

Dean disclosed the graphical user interface of claim 1, wherein each of said groups of software is a role (*figures 20 and 21; note types of applications*).

Claim 8

Dean disclosed the graphical user interface of claim 7, wherein each said role includes at least one bundle of software (*figure 21, note multiple "bundles" applications*).

Claim 9

Dean disclosed the graphical user interface of claim 8, wherein each bundle of software includes at least one software package (*figure 22, note "Lotus Domino Intranet Starter Pack" under customer "PILOT"*).

Claim 11

Dean disclosed the graphical user interface of claim 1, further comprising:

Art Unit: 2124

- ♦ at least one GUI mechanism actuatable to add a new software group to said list of software groups (*figure 20, "add an application..."*).

Claim 12

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a name for said new software group (*figure 10, note name field*).

Claim 13

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a type for said new software group (*figure 14, note elements 76 and 75*).

Claim 14

Dean disclosed the graphical user interface of claim 13, wherein said type is one of: application code and customer code (*figure 14, elements 76 and 75*).

Claim 15

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said

Art Unit: 2124

user is presented with a data entry screen which permits said user to enter a platform for said new software group (*figure 9, note Windows NT*).

Claim 16

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a description for said new software group (*figures 10-12, note various description fields for configuration*).

Claim 17

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a data entry screen which permits said user to enter a service associated with said new software group (*figures 10 and 12, component selection*).

Claim 18

Dean disclosed the graphical user interface of claim 17, wherein said service is one of: web and database (*figures 11 and 12, Netscape Navigator and IBM DB2*).

Claim 19

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select one or more available packages for said new software group (*figures 10 and 12, component selection*).

Claim 20

Dean disclosed the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select one or more available bundles for said new software group (*figures 10 and 12, component selection*).

Claim 24

Dean disclosed the graphical user interface of claim 1, wherein said portion of said graphical user interface includes at least one GUI mechanism which permits said user to select one of said software groups and perform an action with respect thereto (*figures 8 and 9*).

Claim 25

Dean disclosed the graphical user interface of claim 24, wherein said action is viewing details of said selected one of said software groups (*figures 10-12*).

Claim 26

Dean disclosed user interface of claim 25, wherein said details include a version number of said selected one of said software groups (*figures 11-12*).

Claim 27

Dean disclosed the graphical user interface of claim 24, wherein said action is creating a new version of said selected one of said software groups (*figures 10-12; new configurations*).

Claim 28

Dean disclosed the graphical user interface of claim 24, wherein said action is editing one of a description of said selected one of said software groups and software contents of said selected one of said software groups (*figures 10-12*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean et al.** (USPN 6,202,206).

Art Unit: 2124

Claims 6 and 10

Dean did not explicitly state the graphical user interface of claim 5 and 9, wherein said at least one software package is a Red Hat Package Manager (RPM) package. Official Notice is taken that it was known at the time of invention to make use of Red Hat Package Manager. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software management system of **Dean** with managing and installing RPM. This implementation would have been obvious because one of ordinary skill in the art would be motivated to install management software in order to provide a workstation or client management functionality.

11. Claims 4, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean** et al. (USPN 6,202,206) in view of **Cantos** et al. (USPN 6,529,784).

Claim 4

Dean did not explicitly state the graphical user interface of claim 1, wherein said first portion includes a GUI mechanism for filtering said list of software groups based on a selected operating system platform. **Cantos** demonstrated that it was known at the time of invention to provide packages/software base upon operating system (column 5, lines 53-58) It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Dean** with presenting available software/package/components based upon specific customer information, like OS, as found in **Cantos'** teaching. This implementation would have been obvious because one

Art Unit: 2124

of ordinary skill in the art would be motivated to provide information specific to those who need it, the customer (column 2, lines 38-46; column 8, lines 52-66).

Claim 21

Dean did not explicitly state the graphical user interface of claim 19, wherein said available packages include only those software packages that are associated with said one of said plurality of customers. **Cantos** demonstrated that it was known at the time of invention to provide packages/software base upon association with a specific customer (column 6, lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Dean** with presenting available software/package/components based upon specific customer as found in **Cantos'** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide information specific to those who need it, the customer (column 2, lines 38-46; column 8, lines 52-66).

Claim 22

Dean did not explicitly state the graphical user interface of claim 20, wherein said available bundles include only those software packages that are associated with said one of said plurality of customers. **Cantos** demonstrated that it was known at the time of invention to provide packages/bundles/software base upon association with a specific customer (column 6, lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Dean** with

Art Unit: 2124

presenting available software/package/components/bundles based upon specific customer as found in **Cantos'** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide information specific to those who need it, the customer (column 2, lines 38-46; column 8, lines 52-66).

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dean et al.** (USPN 6,202,206) in view of **Marino et al.** (USPN 6,681,391).

Claim 23

Dean did not explicitly state the graphical user interface of claim 11, wherein, subsequent to actuation of said at least one GUI mechanism for adding a new software group, said user is presented with a screen which permits said user to select an order of installation for software modules within said new software group. **Marino** demonstrated that it was known at the time of invention for developers/users to decide an appropriate order of component installation (column 1, line 5 to column 2, line 16 and column 2, line 19 to column 3, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation and management system of **Dean** with installation order specifying as found in **Marino's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an efficient mechanism to install and configure software (column 1, lines 51-57).

13. Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fitzgerald et al.** (USPN 5,581,764).

Claim 29

Fitzgerald disclosed management of software associated with a plurality of customers (*column 7, line 53 to column 8, line 25; plurality of distributed computers*), comprising:

- ♦ at least one mechanism for [indicating] on which of a plurality of devices associated with said plurality of customers that specific software unit is installed (*column 7, line 53 to column 8, line 25; Already Have lists*).

Fitzgerald did not explicitly state *GUI* mechanism for displaying customer software units. **Fitzgerald** demonstrated that it was known at the time of invention to provide graphical user interfaces to a variety of applications and environments (column 2, lines 16-27). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-client resource management system of **Fitzgerald** graphical user interface (GUI) as suggested by **Fitzgerald's** own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide easily understood and intuitive environment for user/administrator interface (column 2, lines 25-27).

Art Unit: 2124

Claim 30

Fitzgerald disclosed the graphical user interface of claim 29, wherein said at least one GUI mechanism includes a list of software units associated with said plurality of customers (*column 7, line 53 to column 8, line 25; Already Have lists*).

Claim 31

Fitzgerald disclosed the graphical user interface of claim 29, wherein said software unit is a bundle including at least one package (*column 7, line 53 to column 8, line 25; bundle and package meaning group of resource/software components*).

Claim 32

Fitzgerald disclosed the graphical user interface of claim 29, wherein actuation of said at least one GUI mechanism results in a display of all of the devices within a network that includes said specific software unit (*column 7, line 53 to column 8, line 25; Already Have lists*).

Claim 33

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by customer name (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Art Unit: 2124

Claim 34

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by hostname (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 35

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by IP address (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 36

Fitzgerald disclosed the graphical user interface of claim 32, wherein said display identifies said devices by data center (*column 10, line 62 to column 12, line 18; note table and references to interrogating user information*).

Claim 37

Fitzgerald disclosed the graphical user interface of claim 29, further comprising:

- ♦ means for deprecating said specific software unit (*column 8, lines 3-9; lists of updated resources/objects/software*).

Art Unit: 2124

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
September 20, 2004

Kakali Chaki

**KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**